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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/813,558

03/21/2001

Gordon Taylor Davis

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09/03/2004

IBM CORPORATION

PO BOX 12195

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EXAMINER

DEPPE, BETSY LEE

ART UNIT

PAPER NUMBER

2637

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/813,558

Applicant(s)

DAVIS ET AL.

Examiner

Betsy L. Deppe

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,6,9 and 12 is/are rejected.
- 7) ☒ Claim(s) 1, 2, 4, 5, 7, 8, 10, 11, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/21/2001</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: 242 on page 4, line 8 is not shown in Figure 1. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because Figure 1 does not show the elements or circuitry corresponding to the reference numbers indicated within blocks 11, 12, 13 and 14. For example, block 11 should show labeled boxes corresponding to reference numbers 200, 220, 222 and 248 such that one viewing the drawings may understand the figure without referring to the detailed description.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The abstract of the disclosure is objected to because:
    - on page 1, line 12, the status of the application should be updated
    - on page 5, line 7, "1data" should be "1, data";
    - on page 5, line 23, "11to" should be "11 to";
    - on page 5, line 25, "bloc 11is" should be "block 11 is";
    - on page 9, line 16, "Figure2" should be "Figure 2".
- Correction is required. See MPEP § 608.01(b).

***Claim Objections***

4. The claims are objected to because they lack a proper introduction. The present Office practice is to insist that each claim must be the object of a sentence starting with "I (or we) claim," "The invention claimed is" or the equivalent. See MPEP § 608.01(m).

5. The claims are objected to because of the following informalities:

in claim 1, lines 6 and 11, "channel" should be "field" (see page 4, line 14 and claim 2, line 4);

in claim 1, line 7, "the data" should be "a data";

in claim 2, line 1, "claim 1in" should be "claim 1 in";

in claim 2, line 3, "the control" should be "a control";

on line 3 of claims 3, 5, 9 and 11, "digital to analog" should be "digital-to-analog";

on line 6 of claims 4 and 10, "digital to analog" should be "digital-to-analog";

in claim 4, line 6, "an" should be inserted before "overlap";

in claim 5, lines 3 and 6-7, "selector means" should be "selector" (see claim 2, line 2);

in claim 10, lines 3 and 7, "selector means" should be "selector" (see claim 8, line 3);

in claim 10, line 6, "an" should be inserted before "overlap";

in claim 11, line 6, "a" should be inserted before "transmission";

in claim 11, lines 6-7, "selector means" should be "selector" (see claim 8, line 3);

in claim 13, lines 6, 10 and 12, "channel" should be "field" .

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 3, 6/3, 9, and 12/9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 3 and 6, the connection between the transmission filter, digital-to-analog converter, line driver and selector is unclear. For example, is the selector connected to each of the other elements wherein each of the elements is connected to the selector? Or are the other elements connected in series and then connected to the selector (e.g. the transmission filter and digital-to-analog converter are connected and then *either* the transmission filter or the digital-to-analog converter is connected the selector?

***Allowable Subject Matter***

8. Claims 1, 2, 4, 5, 7, 8, 10, 11, 13 and 14 are allowable.

9. The following is a statement of reasons for the indication of allowable subject matter: prior art of record does not teach or suggests in combination a modem or method comprising (a) generating a first frame for an intended recipient modem wherein the frame includes a control field identifying the intended recipient modem and a data

field; (b) generating a second frame wherein the second frame includes the same control field identifying the intended recipient modem and no data field; and (c) contemporaneously transmitting the first frame to the intended recipient modem and the second frame to other modems, as recited in the respective independent claims.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references disclose systems that transmit information to multiple recipients/users: Kawashima (US Patent No. 5,818,911), Locklear, Jr. et al. (US Patent No. 5,999,565), Dyke et al. (US Patent No. 6,262,991 B1), Malik (US Patent No. 6,304,579 B1) and Linz et al. (US Patent No. 6,424,674 B1).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsy L. Deppe whose telephone number is (571) 272-3054. The examiner can normally be reached on Monday, Wednesday and Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988.

#### **Any response to this action should be mailed to:**


Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:** (703) 872-9306

Hand-delivered responses should be delivered to:

220 South 20<sup>th</sup> Street  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Betsy L. Deppe  
Primary Examiner  
Art Unit 2637